IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 7883 of 2007(L)

PETITIONER:

JOHN T.VARGHESE, THENMADATHIL HOUSE,
PALIEKKARA NORTH, THIRUVALLA-1,
HSST (JUNIOR) COMMERCE, ST.THOMAS HSS,
ERUVELLIPRA.

BY ADV. SRI.BENOY THOMAS

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, GENERAL EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HIGHER SECONDARY
EDUCATION, HOUSING BOARD BUILDINGS,
THIRUVANANTHAPURAM.

3. MANAGER, ST.THOMAS HSS,
ERUVELLIPRA.

4. PRINCIPAL, ST.THOMAS HSS,
ERUVELLIPRA.

R1 & R2 BY GOVT. PLEADER SRI. A.J. VARGHESE.
R3 & R4 BY SRI. TONY GEORGE KANNAMTHANAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.7883 OF 2007

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Dated this the 14th day of March, 2007.

JUDGMENT

Petitioner challenges Exts.P8 and P8(a).

2. Heard counsel for the petitioner, the Government Pleader and counsel for respondents 3 and 4.

3. Petitioner had approached this court earlier and obtained Ext.P6 judgment. Petitioner was the 11th petitioner in Ext.P6 judgment. By Ext.P6 judgment this court directed the Deputy Director of Higher Secondary Education to consider the claim of the petitioner also for approval of his appointment in the light of the decision of the Division Bench in W.A. 2245 of 2002. It is also ordered that in case there is objection in approving the appointment of any of the petitioners, he shall be heard before a decision is taken in his case. By Ext.P8 the Director had proceeded to hold that petitioner was not qualified for appointment as HSST(Commerce) and he was overaged at the time of appointment. The Director proceeded to decline approval. One of the contentions raised by the petitioner is that the petitioner was not heard

as contemplated in Ext.P6 judgment.

4. Government Pleader does not dispute the fact that petitioner was not actually heard. In such circumstances, clearly Ext.P8 is liable to be quashed on the ground that petitioner was not heard. Ext.P8(a) is the consequential order passed by the Manager.

Accordingly Ext.P8 is quashed and there will be a direction to the second respondent to hear the petitioner and take a decision afresh in accordance with law within a period of one month from the date of receipt of a copy of this judgment. As Ext.P8(a) is consequential to Ext.P8, Ext.P8(a) is also quashed. The decision taken by the second respondent shall be communicated to the petitioner and also to the Manager for passing appropriate consequential orders.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.